

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 21, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARLO JEAN SMITH,

Defendant.

No. 1:20-CR-02029-SAB-1

ORDER GRANTING
DEFENDANT'S MOTION TO
MODIFY CONDITIONS OF
RELEASE AND MOTION TO
EXPEDITE AND STRIKING
HEARING

ECF Nos. 28, 29

Before the Court are Defendant's Motion to Modify Conditions of Release (ECF No. 28) and related Motion to Expedite (ECF No. 29). Specifically, Defendant makes two requests of the Court. First, Defendant requests that Special Condition No. 3 be modified to permit her to have visits with her significant other W.A. Neither the United States, nor the United States Probation/Pretrial Services Office oppose this request. Second, Defendant requests that the Court permit her to change residences. Standard Condition No. 2 requires Defendant to advise the Court and the United States Attorney before any change in address. Special Condition No. 2 requires Defendant to notify the United States Probation Office

ORDER GRANTING DEFENDANT'S MOTION TO MODIFY CONDITIONS
OF RELEASE AND MOTION TO EXPEDITE AND STRIKING HEARING - 1

1 within 24 hours of any change in address. Currently, Defendant resides with her
2 daughter—an address which has been approved by the United States Probation
3 Office. Defendant is now requesting to return to the home in which she resided
4 prior to her arrest. For the reasons set forth in the Motion and after consultation
5 with the United States Probation Office;

6 **IT IS ORDERED:**

7 1. Defendant's Motion to Modify Conditions of Release (**ECF No. 28**) is
8 **GRANTED.**

9 2. Defendant's Motion to Expedite (**ECF No. 29**) is **GRANTED.**

10 3. Defendant's hearing set for Thursday, January 21, 2021 at 2:30 PM
11 shall be **STRICKEN.**

12 4. Special Condition No. 3 shall be **MODIFIED** to allow Defendant to
13 have visits with her significant other W.A. at her daughter's home.

14 5. Defendant's request to return to her prior address is **GRANTED**
15 unless the Probation Office finds the residence not suitable.

16 6. Defendant shall abide by the following conditions at all times:

17 **STANDARD CONDITIONS OF RELEASE**

18 1. Defendant shall not commit any offense in violation of federal, state
19 or local law. Defendant shall advise the supervising Pretrial Services Officer and
20 defense counsel within one business day of any charge, arrest, or contact with law

1 enforcement. Defendant shall not work for the United States government or any
2 federal or state law enforcement agency, unless Defendant first notifies the
3 supervising Pretrial Services Officer in the captioned matter.

4 2. Defendant shall immediately advise the Court and the United States
5 Attorney in writing before any change in address.

6 3. Defendant shall appear at all proceedings and surrender as directed for
7 service of any sentence imposed.

8 4. Defendant shall sign and complete form A.O. 199C before being
9 released and shall reside at the address furnished.

10 5. Defendant shall not possess a firearm, destructive device or any
11 dangerous weapons.

12 6. Defendant shall report to the U.S. Probation/Pretrial Services office
13 before or immediately after release and shall report as often as they direct, at such
14 times and in such manner as they direct.

15 7. Defendant shall contact defense counsel at least once a week.

16 8. Defendant is further advised it is unlawful for any person who is
17 under indictment for a crime punishable by imprisonment for a term exceeding one
18 year, to receive, ship or transport in interstate or foreign commerce any firearm or
19 ammunition or receive any firearm or ammunition which has been shipped or
20 transported in interstate or foreign commerce.

1 9. Defendant shall refrain from use or unlawful possession of a narcotic
2 drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed
3 by a licensed medical practitioner in conformance with Federal law. Defendant
4 may not use or possess marijuana, regardless of whether Defendant has been
5 authorized medical marijuana under state law.

6 10. Defendant shall surrender any passport to Pretrial Services and shall
7 not apply for a new passport.

8 **SPECIAL CONDITIONS OF RELEASE**

9 1. Defendant shall remain in the Eastern District of Washington unless
10 given permission by the United States Probation/Pretrial Services Office.

11 2. Defendant shall notify the United States Probation/Pretrial Services
12 Office within 24 hours of any change in address, telephone number, or
13 employment.

14 3. Defendant shall avoid all contact, direct or indirect, with any
15 codefendants and with any persons who Defendant would reasonably know are or
16 may become a victim or potential witness in the subject investigation or
17 prosecution. **Defendant shall be permitted visits with W.A. at her daughter's**
18 **home.**

19 4. Defendant shall submit to a substance abuse evaluation and undergo
20 any recommended substance abuse treatment as directed by the United States

1 Probation/Pretrial Services Office. Prior to commencing any evaluation or
2 treatment program, Defendant shall provide waivers of confidentiality permitting
3 the United States Probation/Pretrial Services Office and the treatment provider to
4 exchange, in any form and at any time, any and all diagnostic information,
5 treatment recommendation information, or compliance reports, or records related
6 to Defendant's conditions of release and supervision, and evaluation, treatment,
7 and performance in the program. It shall be the responsibility of defense counsel
8 to provide such waivers.

9 5. Defendant shall abstain totally from the use of alcohol.

10 6. Defendant shall submit to random urinalysis and/or breathalyzer
11 testing as directed by the United States Probation/Pretrial Services Office.

12 7. Defendant shall refrain from obstructing or attempting to obstruct or
13 tamper, in any fashion, with the efficiency and accuracy of any prohibited
14 substance testing which is required as a condition of release.

15 8. GPS Location Monitoring: Defendant shall participate in a program of
16 GPS location monitoring. Defendant shall wear at all times, a GPS device under
17 the supervision of United States Probation/Pretrial Services Office. In the event
18 Defendant does not respond to GPS monitoring or cannot be found, the United
19 States Probation/Pretrial Services Office shall notify the United States Marshals'
20 Service, who shall immediately find, arrest, and detain Defendant. Defendant shall

1 pay all or part of the cost of the program based upon ability to pay as determined
2 by the United States Probation/Pretrial Services Office.

3 9. Home Confinement: Defendant shall be restricted at all times, to
4 Defendant's residence except for: attorney visits; court appearances; case-related
5 matters; court-ordered obligations; or other activities as pre-approved by the
6 United States Probation/Pretrial Services Office or Defendant's supervising officer,
7 including but not limited to employment, religious services, and medical
8 necessities.

9 DATED January 21, 2021

10 s/Mary K. Dimke
11 MARY K. DIMKE
12 UNITED STATES MAGISTRATE JUDGE
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